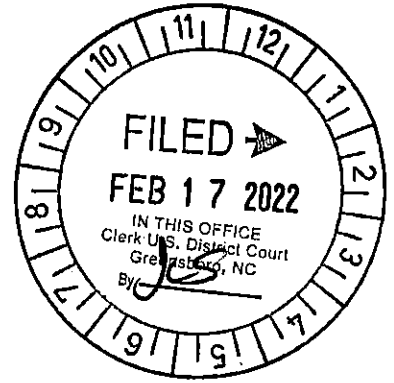


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ARTHUR HILL,

Plaintiff, pro se,

vs.

Carvana, LLC. and
Bridgecrest Credit Company, LLC.

Defendants.

1:22-CV-00037

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS CARVANA, LLC AND
BRIDGECREST CREDIT COMPANY, LLC MOTION DISMISS**

Plaintiff hereby responds in opposition to the Defendant Carvana, LLC ("Carvana") and Bridgecrest Credit Company, LLC ("Bridgecrest") (hereinafter "Defendants") Motion to Dismiss Counts 2, 4 and 5 of the Second Amended Complaint ("SAC").

Plaintiff's Claim for violation of the North Carolina Retail Installment Sales Act ("RISA") in Count 2 states a claim for which relief can be granted. As discussed in the Plaintiff memorandum in support of his opposition, any retail contract, whether it be the one Plaintiff alleges was forged or one that was actually signed by the Plaintiff is covered under RISA regardless of how the Defendants try to sidestep the definitions of RISA.

Likewise, Plaintiff's claim for violation of the Federal Odometer Act ("FOA") is not time barred as this claim is based on discovery of information only provided in 2021 (not 2019) and the federal "discovery rule" applies.

Finally, Plaintiff's claim under the TILA is not time barred as the Plaintiff's alleges

fraudulent concealment to toll the statute of limitations due again to information concealed and only discovered in 2021.

As set forth in more detail in Plaintiff's Memorandum in Support, which is filed contemporaneously herewith, Plaintiff's claims for violation of RISA, FOA and TILA sufficiently state claims for relief, are not time barred or should be equitably tolled and should not be dismissed.

Submitted, this the 15th day of February, 2022.



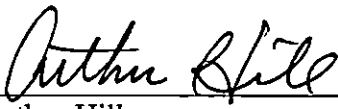
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Plaintiff, pro se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon the following attorneys via email.

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This the 15th day of February, 2022.



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